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FM AMEMBASSY BISHKEK
TO RUEHC/SECSTATE WASHDC 0476
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUCNCIS/CIS COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 2370
RHEFDIA/DIA WASHDC
RUEAIIA/CIA WASHDC
RUEKJCS/OSD WASHDC
RHEHNSC/NSC WASHDC
RUCPDOG/USDOC WASHDC 0649
RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC
RUEHGV/USMISSION GENEVA 0792
RUEHVEN/USMISSION USOSCE 2776
RUCNDT/USMISSION USUN NEW YORK 2158
RUEHNO/USMISSION USNATO BRUSSELS BE
RUEHBS/USEU BRUSSELS
RUEHLMC/MILLENNIUM CHALLENGE CORP
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL

C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 001509

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DEPT FOR SCA/CEN (GEHRENBECK)

E.O. 12958: DECL: 12/18/2017

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SUBJECT: KYRGYZ ELECTIONS: SUPREME COURT CANCELS REGIONAL THRESHOLD

REF: BISHKEK 1505

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Classified By: Ambassador Marie Yovanovitch for Reasons 1.4 (b) and (d)

11. (C) SUMMARY: The Kyrgyz Supreme Court annulled the Central Election Commission's (CEC) interpretation of the 0.5% regional threshold December 18. The CEC had previously based the 0.5% threshold on the national voter list, meaning a party needed to gather 13,500 votes in each of the seven oblasts as well as Bishkek and Osh. This court ruling now should permit parties that obtained 0.5% of the vote based on regional voter lists to receive seats in parliament. With final vote totals still unreleased by the CEC, it remains to be seen how the Court's decision will affect the final results. Only two days before the new parliament must be seated and with backdoor negotiations amongst Ata Meken, Social Democratic and Kyrgyz White House representatives reportedly underway, the final composition of the next parliament is still uncertain. The threat of demonstrations could also influence the CEC's final vote tally, scheduled to be announced by December 20. END SUMMARY.

BREAKING DOWN THE WALL

12. (C) The Supreme Court struck down the Central Election Commission's interpretation of the 0.5% regional threshold December 18, invalidating the administrative barrier that effectively shut out all parties except Ak Jol from the new parliament. Instead of calculating the threshold based on the nationwide list of voters as the CEC had held, the regional threshold will now be determined as 0.5% of the registered voters in the particular oblast or city. With final vote tabulations still being made, however, it is too early to determine which parties will cross that threshold. In particular, it is not clear whether Ata Meken (which received the second highest number of total votes after the

pro-presidential Ak Jol party) meets the lower 0.5% threshold in Osh city. A press report December 17 indicated that Ata Meken had received only 620 votes in Osh city, with 75% of the precincts reporting. Under the new interpretation of the threshold, 649 votes would be required in Osh city. Backdoor negotiations between Ata Meken, the Social Democratic Party and Kyrgyz White House representatives may also affect the final results.

OPPOSITION PARTIES STILL CRYING FOUL

13. (SBU) In spite of the Court's decision, opposition parties continue to challenge the legitimacy of the December 16 elections. Ata Meken supporters have taken to the streets in the southern city of Jalalabad, and small-scale rallies have erupted in other cities, including Bishkek. Additionally, the threat of demonstrations by other political parties, including Asaba, may affect the final tabulation of votes, slated to be announced no later than December 20. Parliament must be seated by December 21.

COMMENT

14. (C) While the Supreme Court announced the decision to overturn the CEC's interpretation of the 0.5% regional threshold, this is a decision that was well-advertised in advance and was made behind closed doors in the executive branch. The decision paves the way for the possibility of some opposition representation in parliament. However, it is rumored that Ata Meken may refuse to accept the mandates; the party has already denounced the elections as invalid and called for a recount at certain polling stations. More closed door negotiations will determine the next steps of

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both Ata Meken and the White House. The possibility of serious demonstrations will no doubt influence the political calculus at the White House. We expect that this part of the political process will come to a close no later than December 19, but more likely on December 18, and that parliament will hold its first session on December 21. END COMMENT.

YOVANOVITCH